

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC., et al.,

Debtors.

Case No. 12-12020 (MG)

Chapter 11

Jointly Administered

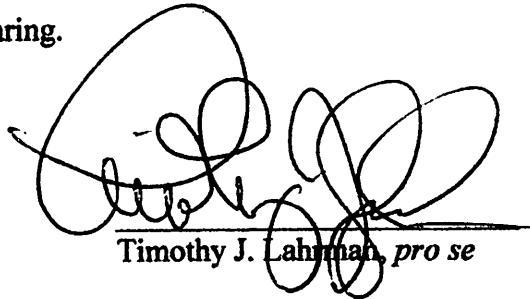
**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that on this date Timothy J. Lahrman did filed his Rule 9023/FRCP 59 motion to reconsider, correct errors and/or alter or amend judgment together with supporting declaration and motion papers and that a hearing will be held on these motions before the Honorable Martin Glenn of the United States Bankruptcy Court for the Southern District of New York (the "*Bankruptcy Court*"), in Room 501, One Bowling Green, New York New York 10004-1408, on a date to be set by the Court and at the Court's earliest convenience.

**PLEASE TAKE FURTHER NOTICE** that responses or objections to the Motions and relief requested therein, if any, must be in writing, shall conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court, shall set forth the basis for the objection and the specific grounds therefore and shall be filed with the Bankruptcy Court electronically in accordance with General Order M-399, by registered users of the Bankruptcy Court's case filing system (the User's Manual for the Electronic Case Filing System can be found at <http://www.nysb.uscourts.gov> , the official website for the Bankruptcy Court), with a hard copy delivered directly to Chambers and served, so as to be received no later than \_\_\_\_ days prior to the scheduled hearing or as otherwise specified by any order from the Bankruptcy Court, upon all parties to whom notice and service is due in these proceedings.

**PLEASE TAKE FURTHER NOTICE** that if you do not timely file and serve a written response to the relief requested in the Motions, the Bankruptcy Court may deem any opposition waived, treat the Motions as conceded, and enter an order granting the relief requested in the motion without further notice or hearing.

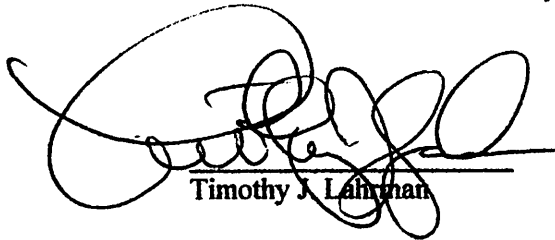
Dated: June 19, 2014



Timothy J. Lahman, *pro se*

**CERTIFICATE OF SERVICE**

I hereby certify that I am not an ECF/Pacer subscriber with access to electronic filing yet on June 19, 2014, via U.S. Postal Service over-night prepaid Priority Mail Express (article # EK 430207526 US) I filed the foregoing pleading or paper with the Clerk of the Court who, by entering the document into the CM/ECF system will cause to be sent a copy of this filing on all parties of record who are registered in and subscriber to the CM/ECF system and identified to receive Notice in these proceedings.



Timothy J. Lahman

**UNITED STATES BANKRUPTCY COURT  
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**MOTION TO CORRECT ERRORS**

Pursuant to Bankruptcy Rule 9023/FRP 59Lahrman respectfully requests that the Court correct the errors found to exist in the Order dated 06/05/2014 (Doc. 7053) as set forth herein below and in Lahrman's accompanying declaration in order to accurately reflect the record of what has occurred in and involving this matter.

In support of this motion Lahrman submits his Declaration which accompanies this filing.

This motion is being made on or before the deadline for filing the notice of appeal and is therefore timely made.

**I:** Doc. 7053 does not accurately reflect the record of Lahrman's filings made on May 24, 2014, nor does Doc. 7053 dispose of all the issues raised by Lahrman's May 24, 2014 filings.

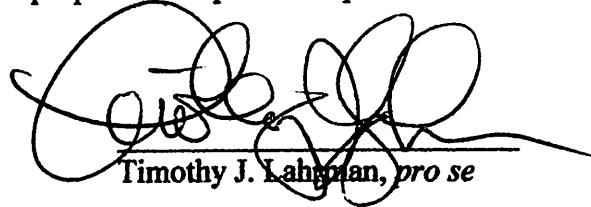
**II:** Doc. 7053 does not accurately reflect correct computations of time with regard to both the timeliness of Lahrman's May 24, 2014 filing in relation to the April 23, 2014 Order and the June 19, 2014 deadline assigned by the Court in Doc. 7053.

**III:** The conclusion in Doc. 7053 that "Lahrman has established "excusable neglect" ... " is in error and the Court has applied an improper standard of legal analysis when making this erroneous conclusion and so construing Lahrman's 'Verified Motion'.

**IV:** The Court has reached the merits and granted affirmative relief to Ally on the merits in this matter in error. *C.f. Berrios v. City of New York Housing Authority*, 564 F.3d 130 (2<sup>nd</sup> Cir. 2009)

Wherefore Lahrman prays for an Order from this Court to correct the errors found to exist in Doc. 7053 and for all just and proper relief upon these premises.

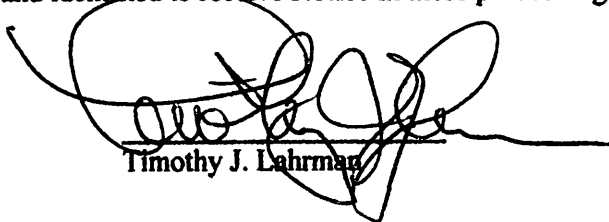
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Timothy J. Lahrman

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**DECLARATION OF TIMOTHY J. LAHRMAN**

I, Timothy J. Lahrman, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I make this declaration on the basis of my personal knowledge of the facts stated herein;

2. On June 5, 2014 at approximately 12 noon (EST) I received via email and from counsel for Ally Financial the Order from this Court dated June 5, 2014 at 09:28:11. (Doc. 7053)

3. Doc. 7053 is correct in identifying that I filed a "*Verified Motion/Request for Reasonable Accommodations*" on May 24, 2014, (Doc. 7053 p.1 ¶ 1) but Doc. 7053 is factually inaccurate to the extent of omitting completely the fact that accompanying the "*Verified Motion/Request for Reasonable Accommodations*" was also a specific Rule 8022 motion to extend a filing deadline which delineated specifically the reasons for the requested extension.

4. "Construing the Motion" (Doc. 7053 p.1 ¶ 2) as the Court has is/was unnecessary and in error because I had in fact filed a specific, and timely, Rule 8022 motion for which my 'excusable neglect' was not among the reasons I sought to extend the deadline.

5. Doc. 7053 concludes that I established 'excusable neglect' (Doc. 7053 p. 1 ¶ 3, cont. p. 2) by finding my May 24, 2014 filing untimely in relation to the Order entered on April 23, 2014, however, the record in this matter clearly reflects that on May 7, 2014 I did in fact file a Rule 8022 motion which was granted by this Court on May 19, 2014 under Doc. 6886.

Accordingly, my May 24, 2014 was not untimely as concluded by this Court in Doc 7053 at p. 1 ¶ 3 cont. on p. 2.

6. Doc. 7053 does not dispose of my "*Verified Motion/Request for Reasonable Accommodations*" nor has the Court made a ruling on what are the issues of the "*Verified Motion*" as the same relate to my due process right to an equally meaningful access to this Court and the proceedings in this specific matter.

7. On Friday June 13, 2014, the Indiana state court from where this matter originates dismissed the state court lawsuit in its entirety and without prejudice concluding that, due in fact to my prior adjudications of incompetency and having been appointed guardians by two different Indiana state courts, I lacked capacity to appear in court without a duly authorized representative.

8. The Indiana state court from where this matter originates made no appointment of an authorized representative for me in this matter, nor did the Indiana state court make any reasonable accommodations in light of my disabled legal status and the circumstances presented.

9. This Declaration is submitted in support of my Rule 9023/FRCP 59 motion.

I swear and affirm under the penalties of perjury that the foregoing facts and representations are true and within the best of my personal knowledge.

Dated: June 19, 2014



Timothy J. Lahrman, *pro se*

#### **CERTIFICATE OF SERVICE**

I hereby certify that I am not an ECF/Pacer subscriber with access to electronic filing yet on June 19, 2014, via U.S. Postal Service over-night prepaid Priority Mail Express (article # EK 430207526 US) I filed the foregoing pleading or paper with the Clerk of the Court who, by entering the document into the CM/ECF system will cause to be sent a copy of this filing on all parties of record who are registered in and subscriber to the CM/ECF system and identified to receive Notice in these proceedings.



Timothy J. Lahrman